

Appn. Number 09/870,194 (Steven Jerome Caruso) GAU 3749 Amnt. B Contd. Page 2 of 17

DRAWINGS:

The drawings were objected to under 37 CFR 1.83(a), as not showing every feature specified in the claims. The Office Action required corrected drawing sheets unless the applicant canceled the feature(s) from the claims. Applicant has chosen to take the latter approach and has cancelled the claims containing those features, and subsequent dependant claims. So what were claims 24, 25, 27, and 39 have been cancelled as well as what was claim 26, which depended on claim 25. Applicant respectfully states that the requirement for drawing corrections was not traversed, only obviated through claim/feature cancellation in the claims as the Office Action pointed out to be an option.

Appn. Number 09/870,194 (Steven Jerome Caruso) GAU 3749 Amnt. B Contd. Page 9 of 17

REMARKS

The drawings were objected to by the Office Action under 37 CFR 1.83(a), as not showing every feature specified in the claims. As previously noted, applicant has chosen to cancel those claims and subsequent dependant claims containing the objectionable features present in the specification but absent in the drawings.

Applicant acknowledges the conditional allowance of claims 25-28, 34, 35, 37, 39, and 40 with appreciation. As such:

Claim 21 was objected to as being anticipated by both Walton and Strachan. Claim 35 was deemed allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 21 has been rewritten to incorporate the pertinent language of claim 35, and thus it is expected that claim 21 is now admissible.

Claims 22, 23, 29, and 30, which are dependant on claim 21, were also objected to as being anticipated by both Walton and Strachan. In light of the new language of claim 21 from which they depend, it is expected that they are now admissible. Additionally, claim 30 was amended so that it correctly depends upon claim 21 instead of claim 29, as claim 29 was cancelled and incorporated into claim 21. The amending of claim 35 is a similar situation, as it too depended on claim 29, but part of it was incorporated into claim 21, as has already been discussed.

Claim 36 was objected to as being anticipated by both Walton and Strachan. Claim 36 has been rewritten to incorporate the aspect of electrification. Support exists in the specification on page 8 lines 11 from the bottom through line 6 from the bottom, page 9 the last 4 lines, page 10 lines 1-3 from the top, and lines 14-16 from the top. Applicant additionally would like to address that even though the first office action pointed out that "The carrier of Strachan is associated with food preparation device range R" and "the carrier of Strachan is associated with food preparation device burner box 27", and

Appn. Number 09/870,194 (Steven Jerome Caruso) GAU 3749 Amnt. B Contd. Page 10 of 17

applicant is anticipating the assertion that either the "range R" or the "burner box 27" could include electrification. Applicant believes that an important distinction of structure is what is moving relative to what is stationary. All of the claims clearly point out that the food preparation device is the moving element, while what the tracking device is connected to is stationary. Walton and Strachan, at best, teach of the opposite, along with other differences. In each of the cited references the element, a cover, moves relative to the food preparation device, a stovetop which is stationary. It would be functionally and structurally impossible to move the food preparation device, the stovetop, independently of the cover(s) in each of the cited references. In a related matter, applicant has appreciatively taken the critique of the language of claim 29 in earnest "...a food preparation device associated with said carrier." and accordingly has created new, clearer language in the incorporation of claim 29 into claim 21.

So, neither Walton nor Strachan teach of a moving, as cited in the claims, food preparation device that is electrified. And so it is expected that claim 36 will now be viewed as admissible.

Claim 37, which is dependent on claim 36 was deemed allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In light of the new language of claim 36 from which it depends, it is expected that it is now admissible.

Claim 38 was objected to as being anticipated by Strachan. Claim 40 was deemed allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 38 has been rewritten to incorporate the pertinent language of claim 40, and thus it is expected that claim 38 is now admissible. As what was claim 40 was incorporated into claim 38, claim 40 is cancelled.

Claims 41-46 are all directed at features that are anticipated to be novel and unique in combination with their base and intervening claims.

Appn. Number 09/870,194 (Steven Jerome Caruso) GAU 3749 Amnt. B Contd. Page 11 of 17

Finally, claims 22,23,28,30,31,32,33,34 and 38 all contained the word "wherein" which applicant now does not think is grammatically correct. As such, each of these claims have been amended by shortening the "wherein" to simply "where".

Conclusions:

For all the above reasons, applicant submits that the specification and claims are now in proper form, and that the claims all define patentably over the prior art. Therefore applicant submits that this application is now in condition for allowance.

Conditional Request for Constructive Assistance

Applicant has amended the specification and claims of this application so that they are proper, definite, and define novel structure which is also unobvious. If for any reason this application is not believed to be in full condition for allowance, applicants respectfully request the constructive assistance and suggestions of the Examiner pursuant to M.P.E.P. 2173.02 and 707.07(j) in order that the undersigned can place this application in allowable condition as soon as possible and without further need for further proceedings.

Very Respectfully,



Steven Caruso

Applicant Pro Se

Steven Caruso

862 Pine Hill Dr.

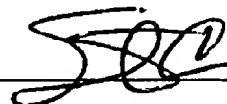
Antioch Il. 60002

Tel. (847) 395-3793

Fax. (847) 395-3794

Certificate of Facsimile Transmission. I certify that on the date below I will fax this paper (including Appendix) to GAU 2872 of the U.S. Patent and Trademark office at 703-872-9306.

May 7, 2005



Steven Caruso